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**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:09-cv-02064-CKK**

QUICK v. UNITED STATES DEPARTMENT OF  
COMMERCE, NATIONAL INSTITUTE OF STANDARDS  
AND TECHNOLOGY

Assigned to: Judge Colleen Kollar-Kotelly  
Cause: 05:552 Freedom of Information Act

Date Filed: 11/03/2009  
Date Terminated: 04/07/2011  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**MICHAEL QUICK**

represented by **Daniel J. Stotter**  
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**TERMINATED: 04/28/2011**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**UNITED STATES DEPARTMENT OF  
COMMERCE, NATIONAL  
INSTITUTE OF STANDARDS AND  
TECHNOLOGY**

represented by **Brian P. Hudak**  
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Date Filed	#	Docket Text
11/03/2009	<a href="#"><u>1</u></a>	COMPLAINT against UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ( Filing fee \$ 350, receipt number 4616025102) filed by MICHAEL QUICK. (Attachments: # <a href="#"><u>1</u></a> Civil Cover Sheet)(rdj) (Entered: 11/04/2009)
11/03/2009		SUMMONS (3) Issued as to UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY, U.S. Attorney and U.S. Attorney General (rdj) (Entered: 11/04/2009)
12/14/2009	<a href="#"><u>2</u></a>	Consent MOTION for Extension of Time to File Answer <i>and/or Otherwise Respond to the Complaint</i> by UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY (Attachments: # <a href="#"><u>1</u></a> Text of Proposed Order)(Hudak, Brian) (Entered: 12/14/2009)

12/16/2009		MINUTE ORDER granting Defendant's <a href="#">2</a> Consent Motion for Extension of Time to Respond to the Complaint. Accordingly, Defendant UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY shall have until and including January 13, 2010, to respond to Plaintiff's complaint. Signed by Judge Colleen Kollar-Kotelly on December 16, 2009. (SM) (Entered: 12/16/2009)
12/16/2009		Set/Reset Deadlines: Response to complaint due by 1/13/2010. (dot, ) (Entered: 12/21/2009)
12/28/2009	<a href="#">3</a>	NOTICE OF RELATED CASE by UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY. Case related to Case No. 09-2063. (Hudak, Brian) (Entered: 12/28/2009)
01/13/2010	<a href="#">4</a>	ANSWER to <a href="#">1</a> Complaint by UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.(Hudak, Brian) (Entered: 01/13/2010)
01/14/2010	<a href="#">5</a>	ORDER. The parties shall confer and file a joint status report that proposes a schedule for proceeding in this matter. The joint status report should address, at a minimum, whether Plaintiff agrees that all nonexempt documents and material have now been released to him as indicated in Defendant's answer, such that his complaint is now moot, or whether additional disputes remain. To the extent disputes remain, the parties shall indicate a schedule for resolution of such disputes and indicate whether a Vaughn index will be required in this case, etc. The parties shall file the joint status report not later than February 1, 2010. Signed by Judge Colleen Kollar-Kotelly on January 14, 2010. (lcckk2 ) (Entered: 01/14/2010)
01/14/2010		Set/Reset Deadlines: Joint Status Report due by 2/1/2010. (dot, ) (Entered: 01/19/2010)
02/01/2010	<a href="#">6</a>	STATUS REPORT ( <i>Joint Report</i> ) by UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY. (Hudak, Brian) (Entered: 02/01/2010)
02/01/2010	<a href="#">7</a>	Joint MOTION to Transfer Case <i>To Judge Kennedy</i> by UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY (Hudak, Brian) (Entered: 02/01/2010)

02/16/2010	<a href="#">8</a>	ORDER. For the reasons set forth herein, the parties' <a href="#">7</a> Joint Motion to Transfer Action to Judge Kennedy is DENIED. The parties shall abide by the following schedule: (1) Defendant shall file its motion for summary judgment, including its Vaughn index/declaration, on or before April 2, 2010; (2) Plaintiff shall file a consolidated opposition to Defendant's motion and a cross-motion for summary judgment on or before May 7, 2010; (3) Defendant shall file a consolidated reply in support of its motion and opposition to Plaintiff's cross-motion on or before June 11, 2010; and (4) Plaintiff shall file his reply in support of his cross-motion on or before July 16, 2010. Signed by Judge Colleen Kollar-Kotelly on February 16, 2010. (lcckk2 ) (Entered: 02/16/2010)
02/16/2010		Set/Reset Deadlines: Plaintiff's Cross Motions due by 5/7/2010. Response to Cross Motions due by 6/11/2010. Reply to Cross Motions due by 7/16/2010. Defendants' Summary Judgment motions due by 4/2/2010. Response to Motion for Summary Judgment due by 5/7/2010. Reply to Motion for Summary Judgment due by 6/11/2010. (dot, ) (Entered: 03/03/2010)
03/30/2010	<a href="#">9</a>	Unopposed MOTION for Extension of Time to <i>File Dispositive Motion and to Alter Briefing Schedule</i> by UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY (Attachments: # <a href="#">1</a> Text of Proposed Order)(Hudak, Brian) (Entered: 03/30/2010)
03/31/2010		MINUTE ORDER granting <a href="#">9</a> Unopposed Motion for an Enlargement of Time. Accordingly, the Court hereby extends the briefing schedule as follows: Defendant shall have until and including April 16, 2010, to file its dispositive motion; Plaintiff shall have until and including May 21, 2010, to file his consolidated opposition to Defendant's dispositive motion and his cross-motion for summary judgment; Defendant shall have until and including June 25, 2010, to file its consolidated reply in support of its dispositive motion and in opposition to Plaintiff's cross-motion; and Plaintiff shall have until and including July 30, 2010, to file his reply in support of his cross-motion for summary judgment. Signed by Judge Colleen Kollar-Kotelly on March 31, 2010. (SM) (Entered: 03/31/2010)
03/31/2010		Set/Reset Deadlines: Plaintiff's Cross Motions due by 5/21/2010. Response to Cross Motions due by 6/25/2010. Reply to Cross Motions due by 7/30/2010. Defendant's Dispositive Motion due by 4/16/2010. Response to Dispositive Motion due by 5/21/2010. Reply to Dispositive Motion due by 6/25/2010. (dot, ) (Entered: 04/01/2010)
04/16/2010	<a href="#">10</a>	MOTION for Summary Judgment by UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY (Attachments: # <a href="#">1</a> Exhibit A (Fletcher Decl.), # <a href="#">2</a> Statement of Facts, # <a href="#">3</a> Glossary) (Hudak, Brian) (Entered: 04/16/2010)
05/19/2010	<a href="#">11</a>	NOTICE <i>Firm Name Change</i> by MICHAEL QUICK (Stotter, Daniel) (Entered: 05/19/2010)

05/21/2010	<a href="#">12</a>	Unopposed MOTION for Extension of Time to <i>and Modification of Summary Judgment Briefing Schedule</i> by MICHAEL QUICK (Attachments: # <a href="#">1</a> Text of Proposed Order)(Stotter, Daniel) (Entered: 05/21/2010)
05/25/2010		MINUTE ORDER granting <a href="#">12</a> Unopposed Motion for Extension of Time and Modification of Summary Judgment Briefing Schedule. Accordingly, Plaintiff shall have until and including May 28, 2010, in which to file Cross-Motion for Summary Judgment and Plaintiff's Response to Defendant's Motion for Summary Judgment; Defendant shall have until and including July 2, 2010, in which to file response to Plaintiff's Cross-Motion for Summary Judgment and Reply in support of Defendant's Motion for Summary Judgment; and Plaintiff shall have until and including August 6, 2010, to file Reply in support of Plaintiff's Cross-Motion for Summary Judgment. Set/Reset Deadlines: Cross Motion due by 5/28/2010; Response to Cross Motions due by 7/2/2010; and Reply to Cross Motions due by 8/6/2010. Response to Motion for Summary Judgment due by 5/28/2010; and Reply to Motion for Summary Judgment due by 7/2/2010. Signed by Judge Colleen Kollar-Kotelly on May 25, 2010. (SM, ) (Entered: 05/25/2010)
05/28/2010	<a href="#">13</a>	Cross MOTION for Summary Judgment <i>and Memorandum of Points and Authorities In Support of Plaintiff's Motion for Summary Judgment, and in Opposition To Defendant's Motion For Summary Judgment</i> by MICHAEL QUICK (Attachments: # <a href="#">1</a> Statement of Facts, # <a href="#">2</a> Declaration Declaration of Michael Quick)(Stotter, Daniel) (Entered: 05/28/2010)
05/28/2010	14	Memorandum in opposition to re <a href="#">10</a> MOTION for Summary Judgment filed by MICHAEL QUICK. (See Docket Entry <a href="#">13</a> to view document. Counsel is reminded to file the opposition as a separate docket entry in future). (znmw, ) (Entered: 06/01/2010)
06/24/2010	<a href="#">15</a>	Consent MOTION for Extension of Time to File Response/Reply by UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY (Attachments: # <a href="#">1</a> Text of Proposed Order) (Hudak, Brian) (Entered: 06/24/2010)
06/25/2010		MINUTE ORDER granting Defendants' <a href="#">15</a> Consent Motion for an Enlargement of Time to File a Reply in support of its Motion for Summary Judgment and in opposition to Plaintiff's Cross-Motion for Summary Judgment. Accordingly, Defendant shall have until and including July 23, 2010, to file a reply in support of its Motion for Summary Judgment and opposition to Plaintiff's Cross-Motion for Summary Judgment; and Plaintiff shall have until and including August 27, 2010, to file a reply in support of his Cross-Motion for Summary Judgment. Set/Reset Deadlines: Response to Cross Motions due by 7/23/2010. Reply to Cross Motions due by 8/27/2010. Reply to Dispositive Motions due by 7/23/2010. Signed by Judge Colleen Kollar-Kotelly on June 25, 2010. (SM) (Entered: 06/25/2010)

07/23/2010	<a href="#">16</a>	Memorandum in opposition to re <a href="#">13</a> Cross MOTION for Summary Judgment <i>and Memorandum of Points and Authorities In Support of Plaintiff's Motion for Summary Judgment, and in Opposition To Defendant's Motion For Summary Judgment</i> filed by UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY. (Attachments: # <a href="#">1</a> Declaration (Fletcher Supp. Decl.), # <a href="#">2</a> Statement of Facts)(Hudak, Brian) (Entered: 07/23/2010)
07/23/2010	<a href="#">17</a>	REPLY to opposition to motion re <a href="#">10</a> MOTION for Summary Judgment filed by UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY. (Attachments: # <a href="#">1</a> Declaration (Fletcher Supp. Decl.))(Hudak, Brian) (Entered: 07/23/2010)
08/03/2010	<a href="#">18</a>	Joint MOTION for Order to <i>Set Briefing Schedule</i> , Joint MOTION for Extension of Time to File Response/Reply by UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY (Attachments: # <a href="#">1</a> Text of Proposed Order)(Hudak, Brian) (Entered: 08/03/2010)
08/05/2010		MINUTE ORDER (paperless). The Court has reviewed the parties' <a href="#">18</a> Joint Motion to Set Briefing Schedule and Extend Time. As set forth therein, Plaintiff advised Defendant on July 22 and 29, 2010, that he seeks discovery from Defendant. Defendant opposes this request. The parties therefore propose staying completion of the pending cross-motions for summary judgment briefing to permit a full round of briefing on this discovery dispute. The Court notes that no discovery has been requested or ordered in this case nor is discovery generally warranted in FOIA actions, except in certain limited, discrete instances. Moreover, Plaintiff's requests for discovery were made only after the parties' cross-motions for summary judgment had been filed. No formal request for discovery pursuant to Federal Rule of Civil Procedure 56(f) has been made, and, at this time, briefing on the cross-motions is largely complete, with only Plaintiff's Reply still outstanding. While the parties are of course free to engage in voluntary discovery without Court order, this is not the case at hand given Defendant's opposition to Plaintiff's requests. With this background in mind, the Court finds -- upon consideration of the parties' joint motion and the record of this case as a whole -- that Plaintiff has not provided a threshold showing that he is entitled to discovery at this stage, such that more fulsome briefing on this issue is necessary. In the absence of such a showing, the Court shall DENY without prejudice the parties' <a href="#">18</a> Joint Motion to Set Briefing Schedule and Extend Time. The briefing schedule previously issued thus remains in place, and Plaintiff's Reply is due by no later than August 27, 2010. Signed by Judge Colleen Kollar-Kotelly on August 5, 2010. (lcckk2 ) (Entered: 08/05/2010)
08/23/2010	<a href="#">19</a>	NOTICE OF SUBSTITUTION OF COUNSEL by David Cotter Rybicki on behalf of UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY Substituting for attorney Brian P. Hudak (Rybicki, David) (Entered: 08/23/2010)

08/27/2010	<a href="#">20</a>	REPLY to opposition to motion re <a href="#">13</a> Cross MOTION for Summary Judgment <i>and Memorandum of Points and Authorities In Support of Plaintiff's Motion for Summary Judgment, and in Opposition To Defendant's Motion For Summary Judgment Plaintiff's Reply Memorandum</i> filed by MICHAEL QUICK. (Attachments: # <a href="#">1</a> Declaration Supplemental Declaration of Michael Quick, # <a href="#">2</a> Declaration Declaration of Michael Ravnitzky, # <a href="#">3</a> Declaration Declaration of James Gourley, # <a href="#">4</a> Declaration Declaration of Geoffrey Ritchey)(Stotter, Daniel) (Entered: 08/27/2010)
09/09/2010	<a href="#">21</a>	MOTION for Leave to File <i>Surreply</i> by UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY (Attachments: # <a href="#">1</a> Memorandum in Support, # <a href="#">2</a> Exhibit 1, # <a href="#">3</a> Exhibit 2, # <a href="#">4</a> Exhibit 3)(Rybicki, David) (Entered: 09/09/2010)
09/10/2010		MINUTE ORDER granting <a href="#">21</a> Defendant's Consent Motion for Leave to File a Surreply in Further Opposition to Plaintiff's Cross-Motion for Summary Judgment. Signed by Judge Colleen Kollar-Kotelly on September 10, 2010. (SM) Modified event title on 9/13/2010 (znmw, ). (Entered: 09/10/2010)
09/10/2010	<a href="#">22</a>	SURREPLY to re <a href="#">13</a> Cross MOTION for Summary Judgment <i>and Memorandum of Points and Authorities In Support of Plaintiff's Motion for Summary Judgment, and in Opposition To Defendant's Motion For Summary Judgment</i> filed by UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY. (Attachments: # <a href="#">1</a> Exhibit 1, # <a href="#">2</a> Exhibit 2, # <a href="#">3</a> Exhibit 3)(znmw, ) (Entered: 09/13/2010)
04/07/2011	<a href="#">23</a>	ORDER. For the reasons stated in the accompanying Memorandum Opinion, NIST's <a href="#">10</a> Motion for Summary Judgment is GRANTED and Quick's <a href="#">13</a> Cross-Motion for Summary Judgment is DENIED; and this action is DISMISSED. Signed by Judge Colleen Kollar-Kotelly on April 7, 2011. (lcckk3) (Entered: 04/07/2011)
04/07/2011	<a href="#">24</a>	MEMORANDUM OPINION. Signed by Judge Colleen Kollar-Kotelly on April 7, 2011. (lcckk3) (Entered: 04/07/2011)
04/12/2011	<a href="#">25</a>	NOTICE of Appearance by Kelly Brian McClanahan on behalf of MICHAEL QUICK (McClanahan, Kelly) (Main Document 25 replaced on 4/13/2011) (znmw, ). (Entered: 04/12/2011)
04/12/2011	<a href="#">26</a>	First MOTION for Extension of Time to <i>File Motion For Attorney Fees</i> by MICHAEL QUICK (Attachments: # <a href="#">1</a> Declaration Declaration of Daniel Stotter, # <a href="#">2</a> Text of Proposed Order)(Stotter, Daniel) (Entered: 04/12/2011)
04/13/2011		MINUTE ORDER granting <a href="#">26</a> Plaintiff's (opposed) Motion for Extension of Time toFile Motion for Attorney Fees. Accordingly, Plaintiff shall have until and including May 9, 2011, to file his Motion for Attorney Fees. Signed by Judge Colleen Kollar-Kotelly on April 13, 2011. (SM) (Entered: 04/13/2011)



04/28/2011	<a href="#">27</a>	NOTICE OF WITHDRAWAL OF APPEARANCE as to MICHAEL QUICK. Attorney Kelly Brian McClanahan terminated. (McClanahan, Kelly) (Entered: 04/28/2011)
05/04/2011	<a href="#">28</a>	Consent MOTION for Extension of Time to <i>File Motion for Attorney Fees</i> by MICHAEL QUICK (Attachments: # <a href="#">1</a> Text of Proposed Order)(Stotter, Daniel) (Entered: 05/04/2011)
05/05/2011		MINUTE ORDER granting <a href="#">28</a> Plaintiff's Consent Motion for Extension of Time to File Motion for Attorney Fees. Accordingly, Plaintiff shall have until and including May 27, 2011, to file a Motion for Attorney Fees, to allow for settlement discussions. Signed by Judge Colleen Kollar-Kotelly on May 5, 2011. (SM) (Entered: 05/05/2011)
05/16/2011	<a href="#">29</a>	Consent MOTION for Extension of Time to <i>File Motion For Attorney Fees and Costs</i> by MICHAEL QUICK (Attachments: # <a href="#">1</a> Text of Proposed Order)(Stotter, Daniel) (Entered: 05/16/2011)
05/17/2011		MINUTE ORDER granting <a href="#">29</a> Plaintiff's Second Consent Motion for Extension of Time to File Motion for Attorney Fees. Accordingly, Plaintiff shall have until and including June 10, 2011, to file Plaintiff's Motion for Attorney Fees. Signed by Judge Colleen Kollar-Kotelly on May 17, 2011. (SM) (Entered: 05/17/2011)
05/17/2011		Set/Reset Deadlines: Motion for Attorney Fees due by 6/10/2011. (dot ) (Entered: 06/01/2011)
05/26/2011	<a href="#">30</a>	STIPULATION of Dismissal & <i>Settlement</i> by UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY. (Rybicki, David) (Entered: 05/26/2011)
05/31/2011	<a href="#">31</a>	STIPULATION of Settlement and Dismissal by MICHAEL QUICK, UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY. (dot) (Entered: 05/31/2011)

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